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SUBJECT: BURKINA FASO: OFFICE OF THE NATIONAL MEDIATOR CELEBRATES 15 TH ANNIVERSARY.

SUMMARY: The Mediator of the Republic is an autonomous arbitration institution that helps private citizens settle grievances with the government or its institutions. Created in 1994, the Mediator is celebrating its 15th anniversary this month. The current mediator is Amina Moussou Ouedraogo, a well known and highly respected lawyer, judge and magistrate. END SUMMARY.

What is the "mediateur de la Republique"

The institution, created in 1994, will celebrate its 15th anniversary in December. Currently presided over by Mrs. Amina Moussou Ouedraogo , the "Mediateur de la Republique" is an autonomous institution that serves as an arbitrator between the government administration and a private citizen or private organizations. The mediator is appointed by Presidential decree for a single five year term of office. In principle the President consults with the Prime Minister and the President of the National Assembly before finalizing his choice. The Presidential Decree stipulates that once appointed, the Mediator cannot be fired or replaced thus guaranteeing his/her independence. One of the most senior ranks of the Government, the Mediator is on paper the seventh most important person in Burkina Faso (after the President, Prime Minister, President of the National Assembly, President of the House of Representatives, President of the Supreme Court, and Former heads of State) but in reality though the Mediator sits sixth in the order of protocol (since there is no President of the House of Representative.) The Mediator can, when solicited by the President, takes part in negotiations that aim to broadly improve public service, or can mediate conflicts between the Government and single, or group of citizens. Such was the case in 1997 when the mediator negotiated the end of the important university student strike.

What power does the mediator have?

The mediator can investigate claims brought forward by a private citizen against the Government. It has the authority to request/quasi subpoena information from any government office. It can:

- Ask any Minister and his/her staff for all correspondence and background information required for investigation into accusations by a private citizen against or involving that ministry.
- Require that the mediator be informed of all progress in any grievance situation.
- Ask a Minister to met out sanctions against a recalcitrant employee.
- Require that a court decision be applied, and in cases where it has not been, ask the President of Burkina Faso to ensure that it is.
- Suggest legislative and judicial changes that would positively impact "common interest" or correct situations that are identified as discriminatory.

What can the mediator NOT do:

- Force the government to make a specific decision/ruling.
- Cancel or change an administrative decision.
- Make a court ruling.
- Bring financial sanctions against the Government in favor of a private citizen.

Example of Mediation Assistance:

In 1999 a school teacher had written to the Education Ministry requesting that his tenure been approved. His letter was lost in the system. His second letter was sent via official channels again to the Ministry of Education, but was subsequently lost. A third letter requesting his tenure was logged in as having been received by the Ministry of Public Service but was accidentally lost in route to the Budget and Finance section. The school teacher, exasperated by the situation, wrote to the Mediator requesting assistance. The Mediator contacted the Ministry and instructed that it answer the school teacher and either explain why he should not be tenured, or immediately confirm his tenure. Six years after the first letter was sent requesting tenure, and in response to the Mediator's interest, the teacher was given his tenure. Although most cases are not publicized, the Mediator's office registered 277 cases in 2006, 261 in 2007 and as a result of increased visibility logged-in 338 cases in 2008.

The current mediator: Mrs. Amina Moussou Ouedraogo-Traore:

In 2005, Presidential Decree Number 2005-185/PRES appointed Mrs. Amina Moussou Ouedraogo-Traore as the Mediator of Burkina Faso. Educated both in Burkina Faso and France

(University degree from the French University of Provence), she first became a civil servant within the Ministry of Justice in 1979. In 1991, after having served as State Prosecutor, Presiding magistrate and Advisor to the High Court, she was appointed to the Supreme Court of Burkina Faso. She was eventually elected as Vice-President of that Supreme Court. While serving on the court, Mrs. Ouedraogo-Traore also taught at the National School for Public Administration (ENAM), at the Police Academy, and other State institutions. She has been an active member and/or founder of associations focusing on women and girls rights. In April 2005, President Compaore named her as the third and only woman to serve as Mediator of the Republic. Her term of office will conclude in 2010. She is married and has two children.

HANKINS